

IN THE ABSTRACT:

Page 20, line 7: delete "axially" and insert
-- radially --

R E M A R K S

Initially, applicant expresses his gratitude to the Examiner for the telephone interview courteously granted to applicant's undersigned representative on January 7, 1998, during which the foregoing amendments and the previously cited prior art were discussed.

Applicant also acknowledges, with appreciation, the Examiner's previous indication in the Office Action mailed November 5, 1997, that claims 5 and 7 are directed to allowable subject matter.

The drawings have been objected to under 37 CFR §1.83(a) as failing to show all of the features defined in the claims. More particularly, the Examiner contends that the drawings fail to show the wider bases, narrower apexes and inner portion of the fins, as well as the channel formed thereby. In response, applicant notes that claim 1 has been amended herein to cancel the reference to the inner portion of the fins. Thus, this ground of objection is now moot. It is noted for clarification, however, that Fig. 1(b) clearly shows

fins having an inner portion cooperating along the longitudinal axis. With respect to the remaining grounds of objection, applicant respectfully contends that all of these features are also clearly shown in the drawings. More particularly, fins having wider bases and narrower apexes are clearly shown in Figs. 1(a), 1(b), 3 and 5. The claimed channel formed by the fins is also clearly shown in Figs. 1(b) and 3. As explained on page 5, lines 23-25 of the specification, the fins 20 define at least one channel therebetween. In other words, the space defined between an adjacent pair of fins 20 is the claimed channel, as can be seen most clearly in Fig. 1(b). Thus, applicant respectfully requests reconsideration and withdrawal of the objection under 37 CFR §1.83(a).

The specification has been objected to under 37 CFR §1.75(d)(1) and MPEP §608.01(o), as failing to provide antecedent basis for the claimed subject matter. More particularly, the Examiner contends that the specification fails to describe fins having wider bases to narrower apexes, the inner portion of the fins, and the at least one channel. First, it is noted again that claim 1, as amended herein, no longer recites an inner portion of the fins. Applicant further points out that page 2, line 23 of the specification, expressly describes the fins as extending "upwardly from wider bases to narrower apexes." In addition, it is clearly stated at, for example, page 5, lines 23-25 of the specification, that the fins 20

define channels therebetween. The sentence bridging pages 2 and 3 of the specification also expressly states that the fins define "at least one channel." Thus, reconsideration and withdrawal of this objection are also respectfully requested.

Claims 1-12 have been rejected under 35 USC §112, first paragraph, as allegedly containing subject matter not described in the specification as originally filed. The Examiner asserts that the inner portion of the fins was not shown or described in the specification as filed. In view of the amendments herein, this rejection is now believed to be moot. Applicant respectfully points out, however, that the drawings [see Fig. 1(b), for example] clearly show fins having an inner portion. The inner portion of one fin is simply the portion which cooperates with the inner portion of the other fins to define the structure shown in Fig. 1(b), as one having ordinary skill in the art would readily understand and appreciate from reading the specification in light of the drawings. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-12 have been rejected under 35 USC §112, second paragraph, as being indefinite for the reasons identified by the Examiner in paragraph 4 of the Official Action mailed November 5, 1997. In response thereto, applicant has amended the claims herein in a manner which obviates the rejection. Applicant believes that all of the elements used

in the claims are now clearly defined and are provided with proper antecedent basis. The particular manner in which the rejection has been overcome will be readily apparent upon a review of the amendments herein. Applicant believes that all of the claims as presently amended now fully comply with the requirements of 35 USC §112, second paragraph. Thus, reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1-4, 6 and 8-12 have been rejected under 35 USC §103 as being obvious over Gross. For the reasons set forth below, applicant respectfully contends that claim 1, as amended herein, is not rendered obvious by Gross or any of the other references of record, whether considered singularly or in combination. Thus, reconsideration and withdrawal of the rejection under Section 103 are respectfully requested.

Claim 1 has been amended herein to require that the fins cooperate to define at least one outwardly facing channel having a channel surface which enables the target insect to land thereon, and wherein the channel narrows from the wider bases to the narrower apexes. It is noted that the channel surface is defined by adjacent sides of a pair of fins, as can be seen most clearly in Fig. 1(b). As explained in the specification, this fin structure is an important aspect of the instant invention, in that the particular structure thereof has been found by the inventor to cause a behavior by the

target insect which enables the invention to effectively trap the insect. More particularly, the outwardly facing channel defined by the fins is colored to attract the target insect to land thereon. Once the insect lands in the channel, the narrowing feature of the channel causes the target insect to walk upwardly rather than flying off the bottom portion of the trap. In other words, the radially extending fins channel the target insect upwardly and into the top portion of the trap. Thus, this outwardly facing and narrowing channel is an important feature of the instant invention. This combination of features, as expressly defined in amended claim 1, is simply not shown or suggested by any of the cited references of record.

The structure of the trap of Gross does not disclose or suggest the trap of the instant invention, as defined in amended claim 1 herein. First, neither elements 12, 13, 14 and 15, nor the associated panels 40, 41, 42 and 43 of Gross, cooperate along the longitudinal axis to form at least two fins extending radially from the longitudinal axis. More importantly, these elements in Gross clearly do not define an outwardly facing channel providing a surface for the target insect to land thereon. The Examiner has cited the passage 60 shown in Fig. 2 of Gross as allegedly showing the claimed channel. However, in order to more clearly distinguish the teachings of Gross, claim 1 has been amended to require an

outwardly facing channel which, as explained above, is an important feature of the invention. The passage 60 in Gross is not an outwardly facing channel and does not have a channel surface that enables the target insect to land thereon. It is noted that the sides 101 of the box 100 shown in Fig. 6 of Gross fail to define an outwardly facing channel, because the sides 101 do not extend radially from a longitudinal axis of the trap, as required by amended claim 1 herein. Moreover, the embodiment of Figs. 1-5 of Gross also fails to disclose any outwardly facing channel formed by radially extending fins, as defined in claim 1. Inasmuch as Gross fails to define this important structural feature of the present invention, Gross will not and cannot achieve the trapping function for which the instant invention was designed.

In view of the above, Gross simply fails to teach or suggest that particular combination of elements set forth in amended claim 1 herein. Thus, the cited references fail to establish a prima facie case of obviousness for the invention defined in amended claim 1. Moreover, none of the other references of record, whether considered alone or in combination, make up for the deficiencies in Gross. Accordingly, withdrawal of the rejection under Section 103 is respectfully requested.

Serial No. 08/654,600

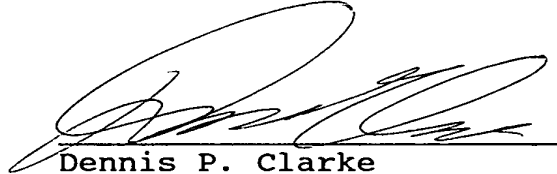
Docket No. 5383

Applicant has earnestly endeavored to place this application in condition for allowance, and an early action toward that end is earnestly solicited.

To the extent necessary, applicant petitions for an extension of time under 37 CFR §1.136. Any fees required may be charged to Deposit Account No. 11-0610 (Docket No. 5383).

Respectfully submitted,

KERKAM, STOWELL,
KONDRACKI & CLARKE, P.C.

A handwritten signature in black ink, appearing to read 'Dennis P. Clarke', is written over a horizontal line.

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